

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERRELL NEWMAN,

Petitioner,

vs.

ROB JEFFREYS,

Respondent.

8:22CV22

ORDER

This matter is before the Court on the Motion to Withdraw as Counsel filed by Petitioner's counsel, Jim McGough, [Filing No. 31](#), and the Motion for Leave to File Replacement or Supplemental Brief filed, pro se, by Petitioner Terrell Newman, [Filing No. 30](#) (hereinafter "Motion to File Brief").

Petitioner retained Mr. McGough to represent him in this habeas proceeding. [Filing No. 10](#); [Filing No. 30 at 1](#), ¶ 1. Mr. McGough, on behalf of Petitioner, filed a brief, [Filing No. 25](#), in response to Respondent's answer. On November 17, 2023, Petitioner filed his Motion to File Brief, asserting that counsel had abandoned some of Petitioner's habeas claims in Petitioner's brief without Petitioner's prior approval. [Filing No. 30](#). Because of this, Petitioner asks the Court to grant him leave to file a replacement or supplemental brief in support of his habeas claims. On December 4, 2023, Mr. McGough filed his motion to withdraw stating there has been a breakdown of the attorney-client relationship which necessitates that he withdraw and cited to Petitioner's pro se Motion to File Brief as evidence of this breakdown. [Filing No. 31](#).

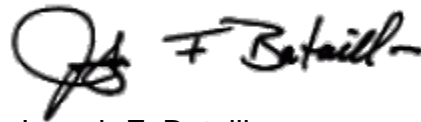
Upon consideration,

IT IS ORDERED that:

1. The Motion to Withdraw as Counsel, [Filing No. 31](#), filed by Mr. McGough is granted. Mr. McGough is removed as counsel of record for Petitioner.
2. Petitioner's unopposed Motion for Leave to File Replacement or Supplemental Brief, [Filing No. 30](#), is granted. Petitioner shall have until **January 16, 2024**, to file a supplemental brief addressing his habeas claims.
3. Respondent shall have 30 days after Petitioner's brief is filed to file and serve a reply brief. In the event that Respondent elects not to file a reply brief, he should inform the Court by filing a notice stating that he will not file a reply brief and that the merits of the petition are therefore fully submitted for decision.
4. The Clerk of Court is directed to set a pro se case management deadline using the following text: **January 16, 2024**: check for Petitioner's supplemental brief.

Dated this 15th day of December, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", written over a horizontal line.

Joseph F. Bataillon
Senior United States District Judge